

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/21/19

DOMINGO VASQUEZ,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

**ORDER GRANTING PETITION
FOR HABEAS CORPUS**

13 Cr. 58 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Domingo Vasquez filed a petition pursuant to 28 U.S.C. § 2255 to vacate his conviction for possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c). Judge Katherine B. Forrest denied the petition on July 11, 2016. ECF No. 585. The Second Circuit vacated that order and remanded for further proceedings in light of *United States v. Davis*, 139 S. Ct. 2319 (2019), and *United States v. Barrett*, 937 F.3d 126 (2d Cir. 2019). ECF No. 718.

This case will be handled in the same way as those of Vasquez's codefendants. See ECF No. 675 (vacating Julio Camacho's 924(c) conviction); ECF No. 692 (vacating Joshua Roman's 924(c) conviction); ECF No. 704 (vacating Benjamin Jimenez's 924(c) conviction). The government's objections as stated in previous cases will be considered made for this case also.

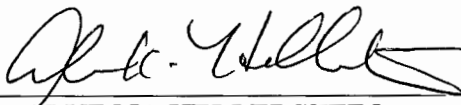
For the reasons set forth in the decisions granting Vasquez's codefendants' petitions, Vasquez's petition is granted, and his conviction under 18 U.S.C. § 924(c) is vacated.

Petitioner shall appear for re-sentencing on January 24, 2020, at 11:00 a.m.

SO ORDERED.

Dated:

November 21, 2019
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge